

**EXHIBIT #27**  
**TO**  
**DEYOUNG DECLARATION**

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

DIS-2-02 RR:RDL:FAPL  
589080 JEH

Catherine K. Ronis  
WilmerHale  
1875 Pennsylvania Avenue  
Washington, D.C. 2006

FEB 28 2007

Dear Ms. Ronis:

This correspondence is written in response to your Freedom of Information Act (FOIA) appeal dated July 14, 2006, in which you appeal the response to your two (2) FOIA requests dated April 25, 2006. Your initial FOIA requests, directed to the Office of International Affairs (INA), Customs and Border Protection (CBP) sought, respectively, the disclosure of two (2) different categories of records pertaining to "detainees secretly transferred or held by the United States Government." One FOIA request sought records concerning "Detainees," including "Ghost Detainees/Prisoners," "Unregistered Detainees/Prisoners," and "CIA Detainees/Prisoners." The second FOIA request sought "any memorandum of understanding or other record reflecting an agreement or proposed agreement between agencies or between any agency and any subdivision or official, concerning the handling of ghost or unregistered detainees," "any records reflecting a policy, whether formal or informal, about the reception, detention, or movement of unregistered or ghost detainees," and, "any memorandum of understanding, or other record reflecting an agreement between any agencies, or between any subdivision or official or any other agency, regarding the transfer of detainees from custody of one agency to that of another."

The FOIA appeal in issue is one of three (3) FOIA appeals that you filed concerning the responses that you received to your FOIA requests. This appeal is in response to the reply that you received from the Office of International Affairs (INA), Customs and Border Protection (CBP).

The Assistant Commissioner, INA, issued the response to your initial FOIA request. That response informed you that INA has no records that are responsive to your request. In response to this decision you filed the referenced appeal with this office and specifically questioned the adequacy of the search for responsive documents that was conducted by INA.

In response to your appeal, and the issue it raised concerning the adequacy of the search made by INA, we alerted that office of your concerns. We have been

informed by INA that it reviewed its search for responsive records and has determined that the search was adequate. INA advised that they searched their files and email system for information pertaining to Ghost Detainees/Prisoners, Unregistered Detainees/Prisoners, and CIA Detainees/Prisoners. The office asserts, that it made a good faith effort to locate responsive records, and that it did so in a manner which could reasonably be expected to produce the information requested.

Insofar as your FOIA request and appeal concerned responsive records that you argued might be located in the INA, we have been unable to locate records responsive to your request.

In the event that you are dissatisfied with the disposition of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the District in which your client resides, in the District where the agency records are situated, or in the United States District Court for the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read "Shari Suzuki", with a stylized, cursive script.

Shari Suzuki  
Chief, FOIA Appeals, Policy & Litigation Branch